**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**OP.No. 19745 of 1999(A)**
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**PETITIONER:**
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**KERALA PRIVATE COLLEGE MANAGEMENTS ASSOCIATION REP.BY ITS SECRETARY, REV. DR.MATHEW MALEPARAMBIL, ST.THOMAS COLLEGE, ARUNAPURAM P.O. PALA 686 574.**

**BY ADV. SRI.BABY ISSAC ILLICKAL**

**RESPONDENTS:**
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1. **STATE OF KERALA REP.BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, P.M.G. JUNCTION, THIRUVANANTHAPURAM.**

3. **THE KERALA UNIVERSITY REP.BY ITS REGISTRAR, THIRUVANANTHAPURAM.**

4. **MAHATMA GANDHI UNIVERSITY REP.BY ITS REGISTRAR, PRIYADARSINI HILLS, KOTTAYAM.**

5. **CALICUT UNIVERSITY REP.BY ITS REGISTRAR, KOZHIKODE.**

**6. KANNUR UNIVERSITY REP.BY**
**ITS REGISTRAR, KANNUR.**

**BY GOVERNMENT PLEADER SRI.LAKSHMINARAYAN(SR)**
**SRI.P.J.MATHEW**
**SRI.M.K.CHANDRAMOHAN DAS,SC,KERALA UTY.**
**SRI.A.MOHAMED MUSTAQUE,SC FOR K.UTY.**
**SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY**
**SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY**
**SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.**
**SRI.S.GOPAKUMARAN NARI, SC, KERALA UTY.**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**OP. NO.19745/1999**

**ORDER ON CMP. NO.32476/1999 IN OP. NO.19745/1999**

**DISMISSED**

**30.10.2007** **SD/- K.BALAKRISHNAN NAIR, JUDGE**

**SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- FORM OF AGREEMENT EXECUTED BETWEEN THE PRIVATE AFFILIATED COLLEGES AND THE GOVERNMENT.**

**EXT.P2:- COPY OF THE JUDGMENT DT. 8.8.97 IN OP. 14636/96.**

**EXT.P3:- COPY OF THE ORDER NO.U.G.C. CELL I(1) 6757/97 COLL EDN. DT. 1.1.98.**

**EXT.P4:- COPY OF THE ORDERNO.C2-5603/99 DT. 3.7.99.**

**EXT.P5:- COPY OF THE APPROVAL ORDER OF PROMOTION OF DR.K.K.JOSE DT. 4.3.99 ISSUED BY THE UNIVERSITY.**

**EXT.P6:- COPY OF THE REPRESENTATION DT. 19.12.98 FILED BY THE PETITIONER TO THE MINISTER OF EDUCATION.**

**EXT.P7:- COPY OF THE ORDER DT. 19.4.99 ISSUED BY THE 1ST RESPONDENT.**

**/TRUE COPY/**

**P.S. TO JUDGE**

**tss**

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

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O.P. NO. 19745 OF 1999-A

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Dated 30th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

In this Original Petition the challenge is against Ext.P3 communication issued by the Director of Collegiate Education, directing the Deputy Directors of Collegiate Education concerned, not to release the salary of the teachers whose promotions were approved by the Universities concerned.

2. In view of the declaration of law made by this Court in **Shalini Rachel v. Manager, Christian College** [2007(3) KLT 355], the said direction of the Director of Collegiate Education is unenforcible. It is

declared so.

The Original Petition is allowed as above.

**K.BALAKRISHNAN NAIR, JUDGE**.

**T.R.RAMACHANDRAN NAIR, JUDGE**.

Nm/

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

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O.P. NO.19745/1999-A

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JUDGMENT

30.10.2007.